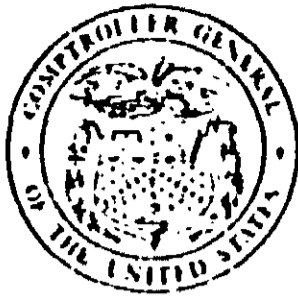


74/3 H. H. Hill
Proc. 1

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-192464

DATE: August 21-1978

MATTER OF: Tracy Trombley Construction Company, Inc.

DIGEST:

Request for review of contract award by recipient of Federal grant will not be considered since matters raised have been decided on merits by courts of competent jurisdiction.

Tracy Trombley Construction Company, Inc. (Tracy), has requested our review of the award of a contract by the Town of Champlain, the recipient of a grant from the Department of Commerce, Economic Development Administration, for improvements to three roads within the town to Noel J. Brunell & Son, Inc. (Brunell).

However, we have been advised that prior to the award and the instant request for review, Brunell, having its bid initially rejected as nonresponsive, sought judicial relief in the Supreme Court of the State of New York to reverse the Town of Champlain's determination. The court, after considering the merits, found Brunell's bid responsive and entered judgment (Index No. 12861) for Brunell on December 2, 1977. It is our understanding that the judgment was affirmed on appeal.

It is the policy of our Office not to decide matters which have been decided on the merits in courts of competent jurisdiction. Grumman Ecosystems Corporation, B-184617, October 24, 1975, 75-2 CPD 252; Pullman Standard, Inc., B-190254, November 28, 1977, 77-2 CPD 417.

Accordingly, we will take no action on this matter.

for Milton J. Acosta
Paul G. Dembling
General Counsel